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21 INNOVATION VENTURES, LLC, LIVING ESSENTIALS, LLC
22 AND INTERNATIONAL IP HOLDINGS, LLC

23
24 UNITED STATES DISTRICT COURT
25 NORTHERN DISTRICT OF CALIFORNIA

26 INNOVATION VENTURES, LLC, LIVING
27 ESSENTIALS, LLC, and INTERNATIONAL IP
28 HOLDINGS, LLC,

Case No.: C-12-5523-WHA

29 **STIPULATION AND [PROPOSED]
30 ORDER OF DISMISSAL WITH
31 PREJUDICE**

32 Plaintiff,

33 v.

34 PITTSBURG WHOLESALE GROCERS, INC.,
35 d/b/a PITCO FOODS, ET AL.,

36 Defendants

37 **RELATED ACTIONS.**

38 WHEREAS, Plaintiffs Innovation Ventures, LLC, Living Essentials, LLC, and International IP
39 Holdings, LLC (collectively, “Living Essentials”) filed and served its Second Amended Complaint on

1 December 5, 2012; WHEREAS, defendant Pacific Groservice, Inc. and Pittsburg Wholesale
2 Grocers, Inc. (collectively, "Pitco") filed and served its Answer to Living Essentials' Second Amended
3 Complaint, Counterclaim Against Plaintiffs, and Cross-Claims Against the Dan-Dee Company Inc. on
4 April 18, 2013;

5 WHEREAS, Aristotle Pericles Navab and David Luttway—the owners of Pitco—were initially
6 named as defendants in this action, but were dismissed voluntarily and without prejudice by Plaintiffs
7 on January 14, 2013;

8 WHEREAS, pursuant to the settlement between Plaintiffs and Pitco, Mr. Navab, and Mr.
9 Luttway, Pitco has assigned to Plaintiffs its Cross-Claims against the Dan-Dee Company Inc.;

10 WHEREFORE IT IS HEREBY STIPULATED AND AGREED, by and between the
11 undersigned, and subject to approval by the Court, that:

- 12 1) The captioned action shall be dismissed with prejudice as against Pitco;
- 13 2) The prior dismissal of Aristotle Pericles Navab and David Luttway shall be deemed with
14 prejudice;
- 15 3) Pitco's counterclaims against Living Essentials are hereby dismissed with prejudice;
- 16 4) Living Essentials and their surety, American Contractors Indemnity Company, are released
17 from any and all liability under Bond Number 10000772115 as it relates to the Temporary
18 Restraining Order dated 10/26/12;
- 19 5) Living Essentials and their surety, American Contractors Indemnity Company, are released
20 from any and all liability under Bond Number 10000772114 as it relates to the seizure
21 executed against Pitco; and,
- 22 6) This Court shall retain jurisdiction over this matter in order to enforce the terms of this
23 dismissal **for 90 days from the date of this order.**

1 CONSENTED AND AGREED BY:

2 Dated: August 13, 2013

MURPHY PEARSON BRADLEY & FEENEY

4 /s/ Thomas Mazzucco

5 Thomas P. Mazzucco
6 *Attorneys for Plaintiffs*
7 *Innovation Ventures, LLC, Living Essentials,*
8 *LLC, and International IP Holdings, LLC*

9 Dated: August 13, 2013

10 PATTERSON BELKNAP WEBB & TYLER LLP

11 /s/ Geoffrey Potter

12 Geoffrey Potter
13 Michelle W. Cohen
14 Christos G. Yatrakis
15 *Attorneys for Plaintiffs*
16 *Innovation Ventures, LLC, Living Essentials,*
17 *LLC, and International IP Holdings, LLC*

18 Dated: August 13, 2013

19 /s/ Jennifer Taylor

20 Jennifer Taylor
21 Wendy Garbers
22 Mark Poe
23 MORRISON & FOERSTER LLP
24 *Attorneys for Defendants Pacific Groservice, Inc.*
25 *and Pittsburg Wholesale Grocers, Inc.*

26 PURSUANT TO STIPULATION, IT IS SO ORDERED.

27 DATED: _____
28 August 15, 2013.



29 William Alsup
30 United States District Judge